

ASSEMBLY BILL

No. 1581

Introduced by Assembly Member Buchanan

February 3, 2014

An act to amend 17070.51 of the Education Code, relating to school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1581, as introduced, Buchanan. School facilities.

Existing law, the Leroy F. Greene School Facilities Act of 1998, requires the State Allocation Board to allocate to applicant school districts, prescribed per-unhoused-pupil state funding for construction and modernization of school facilities, including hardship funding, and supplemental funding for site development and acquisition. The board is required to impose specified penalties if a material inaccuracy is found in an eligibility or funding application.

This bill would make nonsubstantive changes in the provision regarding penalties for material inaccuracies.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 17070.51 of the Education Code is
2 amended to read:
3 17070.51. (a) If ~~any~~ a certified eligibility or funding
4 application related information is found to have been falsely
5 certified by ~~school districts, architects or design professionals~~ a
6 school district, architect, or design professional, hereinafter

1 referred to as a material inaccuracy, the Office of Public School
2 Construction shall notify the board.

3 (b) The board shall impose the following penalties if an
4 apportionment and fund release has been made based upon
5 information in the project application or related materials that
6 constitutes a material inaccuracy.

7 (1) Pursuant to a repayment schedule approved by the board of
8 no more than five years, the school district shall repay to the board,
9 for deposit into the 1998 State School Facilities Fund, the 2002
10 State School Facilities Fund, or the 2004 State School Facilities
11 Fund, as the case may be, an amount proportionate to the additional
12 funding received as a result of the material inaccuracy including
13 interest at the rate paid on moneys in the Pooled Money Investment
14 Account or at the highest rate of interest for the most recent issue
15 of state general obligation bonds as established pursuant to the
16 Chapter 4 (commencing with Section 16720); of Part 3 of Division
17 4 of Title 2 of the Government Code, whichever is greater.

18 (2) The board shall prohibit the school district from
19 self-certifying certain project information for ~~any~~ subsequent
20 applications for project funding for a period of up to five years
21 following the date of the finding of a material inaccuracy or until
22 the *school* district's repayment of the entire amount owed under
23 paragraph (1). Although a school district that is subject to this
24 paragraph may not self-certify, the school district shall not be
25 prohibited from applying for state funding under this chapter. The
26 board shall establish an alternative method for state or independent
27 certification of compliance that shall be applicable in these cases.
28 The process shall include, but shall not be limited to, procedures
29 for payment by the school district of ~~any~~ increased costs associated
30 with the alternative certification process.

31 (c) For ~~a school-districts~~ *district* found to have provided *a*
32 material ~~inaccuracies~~ *inaccuracy* when a funding apportionment
33 has occurred, but no fund release has been made, the board shall
34 direct its staff to reduce the apportionment as necessary to reflect
35 the actual nature of the project and to disregard the inaccurate
36 information or material, and paragraph (2) of subdivision (b) shall
37 apply.

38 (d) For ~~those a school-districts~~ *district* found to have provided
39 *a* material ~~inaccuracies~~ *inaccuracy* when no funding apportionment
40 or fund release has been made, the inaccurate information or

- 1 materials shall not be considered, and paragraph (2) of subdivision
- 2 (b) shall apply. The project may continue if the application, minus
- 3 the inaccurate materials, is still complete.

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